

Message Text

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ACTION NEA-10

INFO OCT-01 IO-13 ISO-00 OES-06 SS-15 SSO-00 ERDA-05

ERDE-00 NRC-05 ACDA-07 USIE-00 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SAJ-01 COME-00 TRSE-00 INRE-00 /088 W
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O R 101412Z JUL 76

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC NIACT IMMEDIATE 5147

INFO AMEMBASSY TEL AVIV

USMISSION IAEA VIENNA

C O N F I D E N T I A L CAIRO 9381

E.O. 11652: GDS

TAGS: TECHN EG

SUBJECT: US-EGYPTIAN NUCLEAR POWER AGREEMENT

REF: STATE 169471

1. AMB AND EMBOFF CRAIG MET WITH DEPUTY PRIMIN AND MINISTER OF ELECTRICITY SULTAN AND MINSTATE FOR SCIENTIFIC RESEARCH AND NUCLEAR POWER GUEBEILY, JULY 10, AND PRESENTED THEM WITH REVISED DRAFT PROPOSED TEXT OF AGREEMENT FOR NUCLEAR COOPERATION AND ACCOMPANYING DIPLOMATIC NOTE. AMB MADE POINTS CONTAINED REFTEL REGARDING THE NEED FOR URGENT CONSIDERATION BY GOE OF REVISED TEXT, NOTING OUR WILLINGNESS SUBMIT AGREEMENT TO THIS SESSION OF CONGRESS. AMB STRESSED THAT WE CANNOT GUARANTEE CONGRESSIONAL APPROVAL BECAUSE OF THE NECESSARY 60 DAY WAITING PERIOD, BUT IF CONGRESS RECONVENES AFTER THE ELECTIONS, AS IS BEING DISCUSSED, IT MIGHT JUST BE POSSIBLE FOR AGREEMENT TO BE FINALIZED DURING THIS CONGRESSIONAL SESSION. AMB NOTED REVISIONS MINOR AND SHOULD POSE NO PROBLEMS.

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2. AMB THEN WENT THROUGH THE CHANGES IN BOTH THE

AGREEMENT AND THE NOTE WITH GUEBEILY AND SULTAN. AS WE REACHED THE END OF THE AGREEMENT, GUEBEILY ASKED IF THERE IS NO CHANGE IN ARTICLE 11 (C)? AMB NOTED THAT THERE IS NO CHANGE IN ARTICLE 11 (C) AND MADE ORAL POINT CONTAINED PARA 4 (3) (C) REGARDING OUR WILLINGNESS TO CONSULT CLOSELY WITH EGYPT AND OTHER STATE WITH WHICH EGYPT HAS BILATERAL SAFEGUARD ARRANGEMENTS WITH A VIEW TO AVOIDING DUPLICATION IN IMPLEMENTATION OF BILATERAL SAFEGUARD REGIMES THAT WOULD BE APPLICABLE TO REPLICATED FACILITIES. AMB SAID GUEBEILY WOULD NOTE IN THE REPLY TO LATTER'S JUNE 9 POINTS, WE COULD NOT ACCEPT HIS ARGUMENT REGARDING CHANGES IN PARA 11 (C), SINCE IT WOULD DEPRIVE US OF ESSENTIAL BACKUP RIGHTS HAVING TO DO WITH SAFEGUARDS. GUEBEILY PRESSED HIS ARGUMENT, USING SAME POINTS HE HAS REPEATEDLY MADE RE COMPLICATED SITUATION WHICH WOULD ARISE IF REPLICATED FACILITIES WERE PRODUCTS OF VARIOUS TECHNOLOGIES GAINED UNDER VARIOUS AGREEMENTS. HE ALSO ARGUED THAT USG INSISTENCE UPON AMERICAN BACKUP SAFEGUARDS, IN THE CASE OF TERMINATION OF IAEA SAFEGUARDS, WOULD PREJUDICE INTERESTS OF OTHER STATES FROM WHOM TECHNOLOGY FOR REPLICATED FACILITIES MIGHT BE GAINED. AMB REITERATED THAT WE COULD NOT RPT NOT ACCEPT GUEBEILY'S ARGUMENT, SINCE CONGRESS WANTS SUCH BACKUP SAFEGUARDS. HE URGED GUEBEILY TO ACCEPT OUR ASSURANCE THAT WE WILL CONSULT CLOSELY WITH GOE IN THE INTERIM PERIOD.

3. GUEBEILY THEN ASKED THAT USG PUT THIS ASSURANCE REGARDING CONSULTATIONS IN THE INTERIM PERIOD INTO WRITING, EITHER AS PART OF ARTICLE XI C, OR IN ACCOMPANYING DIPLOMATIC NOTE OR AS A SEPARATE NOTE. ANY ONE OF THESE THREE PROCEDURES, GUEBEILY SAID, WOULD BE ACCEPTABLE TO HIM AS LONG AS WRITTEN ASSURANCE IS INTEGRAL PART OF THE AGREEMENT. OUR UNDERTAKING SHOULD BE PUT INTO WRITING SINCE IN FUTURE ONE COULD NOT ALWAYS REFER BACK TO LEGISLATIVE HISTORY OF OUR NEGOTIATIONS AND ANY ORAL COMMITMENT MIGHT TOO EASILY BE FORGOTTEN. AMB AGREED RAISE GUEBEILY'S PROPOSAL WITH WASHINGTON, BUT AGAIN URGED THAT SULTAN AND GUEBEILY UNDERTAKE IN MEANTIME NECESSARY REVIEW OF THE AGREEMENT AND THE CONFIDENTIAL

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NOTE WITH THE AIM OF PROVIDING US WITH GOE AGREEMENT ASAP. SULTAN SAID THAT IF ASSURANCE ISSUE WERE RESOLVED PROMPTLY, AND SUBJECT TO MORE THOROUGH STUDY OF OUR REVISED TEXT BY HIM AND GUEBEILY, HE COULD PROBABLY PROVIDE AT LEAST ORAL AGREEMENT BY WEDNESDAY, JULY 14. HE WOULD WANT TO GET PRIMIN'S APPROVAL. AMB EXPRESSED HOPE THAT WE MIGHT HAVE WASHINGTON'S REPLY ON PUTTING ASSURANCES INTO SOME WRITTEN FORM BY TUESDAY, JULY 13.

4. COMMENT: GUEBEILY'S SUGGESTION THAT ORAL ASSURANCES CONTAINED PARA 4 (C)(3) BE INCORPORATED INTO WRITTEN LANGUAGE STRIKES US AS REASONABLE COMPROMISE ON MAJOR UNRESOLVED POINT. BELIEVE EGYPTIANS WILL APPROVE AGREEMENT EXPEDITIOUSLY IF SOME FORMULA CAN BE FOUND TO WORK THIS ASSURANCE INTO EITHER THE AGREEMENT OR THE NOTE. REQUEST DEPT AND OTHER INTERESTED USG AGENCIES URGENTLY CONSIDER GUEBEILY'S SUGGESTION AND ADVISE US BY TUESDAY, JULY 13.

5. IN VIEW GENERALLY POSITIVE RESPONSE REPORTED ABOVE, NEED FOR DEPT SPECIALIST COME TO CAIRO SEEMS BE OBIATED--AT LEAST FOR NOW. IF IT DEVELOPS THAT GUEBEILY, AFTER STUDY OF DOCUMENT, HAS MORE TECHNICAL POINTS TO RAISE, WE MAY WANT TO BROACH SUGGESTION AGAIN. IF DEPT OFFICER GOES TO TEL AVIV FOR TECHNICAL DISCUSSIONS (TEL AVIV 4734), IT MIGHT OF COURSE BE USEFUL IF HE ALSO STOPPED BY HERE. AMB WILL ALSO GIVE COPY REVISED TEXT AND NOTE TO FAHMY FOR LATTER'S INFORMATION.
EILTS

NOTE BY OC/T: REFTTEL BELIEVED TO BE INCORRECT.

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